

Pte. Cap 35

✓ 11 Geo III

B.M. copy as an act
not a bill

(W)

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L.S. 302/71 (85)

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F O R

Exemplifying or Inrolling the Will of Charles Macarthy More, late of Pallas, in the County of Kerry, and Kingdom of Ireland, deceased; and making the same Evidence, as well in Ireland as Great-Britain.

W *H E R E A S* Charles Macarthy More, late of Pallas, in the County of Kerry, in the Kingdom of Ireland, deceased, did in his Life-time duly make and publish his last Will and Testament in Writing, bearing Date the Fourteenth Day of May, in the Year of our Lord One thousand Seven hundred and Sixty-six, and thereby ordered all his just Debts to be paid as soon after his Decease as the same could be accomplished; and charged all his real and personal Estates with the Payment thereof, and of the Legacies therein mentioned; and subject to his Debts and Legacies, he devised all his real Estates to his Grandfather *Edward Herbert*, Esquire, for his Life, with

with power to make Leases thereof, upon the Terms therein mentioned, with Remainder to his Uncles *Thomas Herbert* and *Edward Herbert*, Esquires, and their Heirs, to be equally divided between them as Tenants in common, and not as Joint-tenants: And he appointed his said Grandfather *Edward Herbert*, and his said Uncles *Thomas Herbert* and *Edward Herbert*, Executors of his Will, and Residuary Legatees:

And whereas the said *Charles Macarthy More* departed this Life on or about the Thirteenth Day of *March* One thousand Seven hundred and Seventy, without altering or revoking his said Will; and the same hath been, or is shortly intended to be, proved in the High Court of Chancery in *Great-Britain*:

And whereas *Edward Herbert*, the Testator's Uncle, one of the Executors and Residuary Legatees, named in the said Will, died in the Life-time of the said Testator:

And whereas *Edward Herbert*, Esquire, the Testator's Grandfather, who was Devisee for Life of the real Estates of the said *Charles Macarthy More*, and also one of his Executors and Residuary Legatees, died on the Twenty-sixth Day of *September* last past, and the said *Thomas Herbert* is now the surviving Executor of the said Will:

And whereas there may be frequent occasion to produce and give the said Will of the said *Charles Macarthy More* in Evidence, as well in *Ireland* as in *Great Britain*, which cannot, as Occasion may from Time to Time require, be carried from one Kingdom to the other, so as to be produced and made Use of at any Trial at Law or in Equity, or otherwise, in such Manner as by the strict Rules of the Courts of Law and Equity the same ought to be, without great Hazard of the same being lost; nor can the Witnesses, who are able to prove the due Execution of the said Will, who live in *England*, be compelled by any Process to attend in the said Kingdom of *Ireland*, to give their Testimony touching the due Execution thereof, at any Trial in any Court of Justice or elsewhere in that Kingdom; which may be attended with great Inconvenience to all Persons claiming under the said Will of the said *Charles Macarthy More*:

Wherefore your Majesty's most dutiful and loyal Subject, the said *Thomas Herbert*,

Doth most humbly beseech Your Most Excellent MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the better Preservation



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servation and safe Custody of the said Will of the said *Charles Macarthy More*, the said Will shall and may be Exemplified or Inrolled in the High Court of Chancery, or in either of the Courts of King's Bench or Common Pleas in *Great-Britain*, and the proper Officer or Officers of the said Courts, or any of them, are hereby required to Exemplify and Inroll the same accordingly; and that an Exemplification or attested Copy of the Inrolments of the said Will, signed by the Clerk or proper Officer of the said Inrolment for the Time being, shall and may be produced, read, pleaded and allowed of as Evidence, in all or any of the Courts of Common Law or Equity, or elsewhere, in the said Kingdoms of *Ireland* and *Great Britain*, and shall be deemed, adjudged and taken, to be as good, valid, and effectual, to all Intents and Purposes, as if the said original Will had been produced, read, pleaded and proved on any Trial or Hearing in any of the said Courts, or elsewhere.

Provided nevertheless, and it is hereby further Enacted and Declared, by the Authority aforesaid, That no Expression or Clause in this Act shall any ways extend, or be interpreted to add unto, or diminish, the Validity, Force, or Effect of the said Will; but that the same shall be construed to be of the same Force, and Effect, as if this Act had not been made, and not otherwise.

And be it further Enacted, by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever in *Ireland* and *Great Britain*, without specially pleading the same: And that a Copy of the Inrolment thereof, signed by the Clerk of the Parliaments of *Great-Britain*, shall and may be produced, read, pleaded, and allowed of as Evidence, in all Courts of Law and Equity in *Ireland* and *Great-Britain*, or elsewhere.

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[1771.]

